DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

2.   Claims 1-16,19-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Obradovich et al (U.S. 2006/0206576) and Spaur et al (U.S. 5,732,074).

As per claims 1,42,49,56,57 Obradovich disclosed a method for remotely manipulating vehicle

elements, comprising: coupling among a plurality of network elements including at least one

vehicle internet work, at least one gateway of the vehicle, and the Internet (Page. 1, Paragraph.

0009); wherein the gateway node in the vehicle comprises at least one real-time interface

processor (RTIP) and at least one application processor, the RTIP performing real-time

operations and the application processor performing high-level processing functions; Wherein

the RTIP couples the application processor to a vehicle bus and to an external network;

providing at least one of data processing, data storage, access control (Page. 7, Paragraph. 0076),

protocol translation, security including service discovery and device authentication and network

control using the gateway node; automatically providing secure interoperability among the

plurality of network elements in response to node information including configuration and

security information (Page. 6, Paragraph. 0065);

However Obradovich did not disclose in detail remotely manipulating at least one function of

the vehicle elements.

In the same field of endeavor Spaur disclosed the controller includes a processor for performing

processing operations including running of executable running program code, including in the

context of utilizing or incorporating data that the controller has access to, including in the

context of utilizing or incorporating data that the controller 30 has access to. Preferably, the

processor 90 is a single microprocessor that performs multiple tasks, in conjunction with a real

time operating system (RTOS) 94. That is, the RTOS 94 manages a number of services

associated with conducting one or more applications oriented tasks. Preferably, the RTOS 94

includes a kernel that is involved in performing real time multi-tasking including: task

management, inter task communication, memory management, message management, timing,

I/O management and error management. In the context of applications associated with the

vehicle, the RTOS 94 works with applications software in a multi-task scheme to respond to

requests for vehicle related information including data (col. 8, lines 7-23).

It would have been obvious to one having ordinary skill in the art at the time of the invention

was made to have incorporated the controller includes a processor for performing processing

operations including running of executable running program code, including in the context of

utilizing or incorporating data that the controller has access to, including in the context of

utilizing or incorporating data that the controller 30 has access to. Preferably, the processor 90

is a single microprocessor that performs multiple tasks, in conjunction with a real time

operating system (RTOS) 94. That is, the RTOS 94 manages a number of services associated

with conducting one or more applications oriented tasks. Preferably, the RTOS 94 includes a

kernel that is involved in performing real time multi-tasking including: task management inter

task communication, memory management, message management, timing, I/O management and

error management. In the context of applications associated with the vehicle, the RTOS 94

works with applications software in a multi-task scheme to respond to requests for vehicle

related information including data as taught by Spaur in the method of Obradovich the

implementation of this communication system is to reduce burdensome and increase the

processing capability which is portable and practical for the vehicle environment.

3.   As per claims 2,43,50 Obradovich -Spaur disclosed further comprising hosting the at

least one vehicle internet work on at least one of automobiles, trucks, aircraft, trains,

motorcycles, and marine vessels (Spaur, col. 2, lines 28-33).

4.   As per claims 3,44,51 Obradovich -Spaur disclosed further comprising coupling at least

one gateway node of the vehicle to a remote user computer (Obradovich, Page. 1, Paragraph.

0009).

5.   As per claims 4,45,52 Obradovich -Spaur disclosed wherein the at least one function

includes vehicle control functions, security function, diagnostic functions, and network access

functions (Obradovich, Page. 1, Paragraph. 0009).

6.   As per claims 5,46,53 Obradovich -Spaur disclosed further comprising establishing

communication among the at least one node of a plurality of host vehicles (Obradovich, Page. 2,

Paragraph. 0025).

7.   As per claims 6,47,54 Obradovich -spaur disclosed further comprising supporting data

transfer and manipulation among the plurality of network elements using at least one coupling

among the at least one vehicle internet work and at least one external network (Spaur, col. 2,

lines 29-42), wherein the data includes vehicle assembly data, service data, diagnostic data,

maintenance data, maintenance history data, security data, vehicle position data, vehicle

operations Profile data, operator profile data, fleet management data, fleet reliability analysis

data, electronic mail, entertainment software, and targeted advertising data (Obradovich, Page. 2,

Paragraph. 0025).

8.   As per claims 7,38,41,48,55 Obradovich -Spaur disclosed further comprising: receiving a

first type of data from the at least one vehicle internet work; performing diagnostic and

prognostic analysis on the first type of data; transmitting a second type of data to the at least one

vehicle internet work in response to the diagnostic and prognostic analysis (Obradovich, Page. 3,

Paragraph. 0030).

9.   As per claim 8,9 Obradovich -Spaur disclosed further comprising reprogramming at least

one element of the at least one vehicle internet work using at least one Internet coupling

(Obradovich, Page. 1, Paragraph. 0009).

10.   As per claim 10 Obradovich -Spaur disclosed wherein the at least one vehicle internet

work comprises at least one peripheral electronic device, wherein the at least one peripheral

electronic device includes at least one device of climate control devices, actuator -devices,

position location devices, Global Positioning System (GPS) devices (Obradovich, col. 3, lines

47-61), communication devices, cellular telephony devices, personal digital assistants (PDAs),

processing devices, diagnostic devices, modems, pager devices, video devices, audio devices,

multimedia devices, electronic game devices, sensor devices, switch devices, anti-theft devices,

device subnet works, and wireless local area network (LAN) devices (Obradovich, Page. 3,

Paragraph. 0029).

10.   As per claim 11 Obradovich -Spaur disclosed further comprising supporting atomic

transactions among the plurality of network elements (Spaur, col. 6, lines 54-61).

11.   As per claim 12 Obradovich -Spaur disclosed further comprising manipulating the node

information including configuration and security information to provide secure interoperability

among the plurality of network elements and at least one peripheral electronic device

(Obradovich, Page. 1, Paragraph. 0008).

12.   As per claim 13 Obradovich -Spaur disclosed wherein the at least one vehicle internet

work comprises at least one local area network that includes at least of an Original Equipment

Manufacturer (OEM) bus (Obradovich, Page. 3, Paragraph. 0029), at least one Automotive

Multimedia Interface Consortium (AMI-C) bus, at least one external network, at least one legacy

automotive local development network, and at least one legacy automotive bus of Audio Control

Protocol (ACP) buses and Standard Corporate Protocol (SCP) buses (Obradovich, Page. 3,

Paragraph. 0031).

13.   As per claim 14 Obradovich -Spaur disclosed further comprising: accessing the plurality

of network elements using at least one local development network; and performing application

upgrades, diagnostics, and programming, wherein the at least one local development network

supports manipulation and transfer of entertainment software (Spaur, col. 2, lines 24-32),

wherein the entertainment software comprises at least one of video, audio, movies, television

shows, music, games, and simulations (Obradovich, Page. 7, Paragraph. 0077).

14.   As per claim 15 Obradovich -Spaur disclosed wherein the at least one vehicle internet

work comprises at least one interface port including at least one of Intelligent Data Bus (IDB-C)

ports, MOST ports, Institute of Electrical and Electronics Engineers (IEEE) 1394 ports

(Obradovich, Page. 3, Paragraph. 0029), On-Board Diagnostic-11 (OBD-11) ports, Standard

Corporate Protocol (SCP) ports, Audio Control Protocol (ACP) ports, Blue tooth ports, Personal

Communications Service (PCS) ports, Global System for Mobile Communications (GSM) ports,

and local area network ports (Obradovich, Page. 10, Paragraph. 0102).

15.   As per claim 16 Obradovich -Spaur disclosed wherein providing secure interoperability

further includes distributing at least one function among the plurality of network elements in

response to a coupling of peripheral electronic devices to at least one local area network of the at least one vehicle internet work (Obradovich, Page. 7, Paragraph. 0077).

16.   As per claim 19 Obradovich -Spaur disclosed wherein the at least one vehicle internet work comprises at least one port node including at least one device selected from a group consisting of at least one processor, at least one memory cache, at least one wireless modem, at least one network protocol, at least one policy, and at least one wired local area network (LAN) (Obradovich, Page. 4, Paragraph. 0052).

17.   As per claim 20 Obradovich -Spaur disclosed further comprising coupling the at least one vehicle internet work to at least one subnet work, wherein the at least one subnet work comprises at least one device selected from a group consisting of sensor devices, actuator devices, wired network devices, and wireless network devices (Obradovich, Page. 4, Paragraph. 0045).

18.   As per claim 21 Obradovich -Spaur disclosed wherein the at least one vehicle internet work generates at least one hierarchy of communication alternatives in response to a determined position of a host vehicle, wherein a selected communication device is used to communicate with the at least one other site (Spaur, col. 5, lines 5-19).

19.   As per claim 22 Obradovich -Sparu disclosed further comprising controlling data processing using at least one processing hierarchy that controls at least one of data

classifications, data transfers, data queuing, data combining, processing locations, and

communications among the plurality of network elements (Spaur, col. 5, lines 43-66).

20.   As per claims 23,58 Obradovich -Spaur disclosed further comprising distributing at least

one function among the plurality of network elements, wherein the at least one function includes

at least one of data acquisition, data processing, communication management, data routing, data

security (Obradovich, Page. 6, Paragraph. 0065), programming, node operation, protocol

translation, network management, and interfacing with at least one communication physical layer

including cellular telephony, wire line telephone, satellite telephony, packet radio, microwave,

optical (Obradovich, Page. 6, Paragraph. 0069).

21.   As per claims 25,59 Obradovich -Spaur disclosed further comprising automatically

organizing the plurality of network elements, wherein the automatic organizing comprises

automatically controlling data transfer, processing, and storage among the plurality of network

elements (Obradovich, Page. 1, Paragraph. 0009).

22.   As per claims 26,39 Obradovich -Spaur disclosed further comprising supporting at least

one level of synchronization among different subsets of the plurality of network elements,

wherein a first level of synchronization is supported among a first subset of the plurality of

network elements (Obradovich, Page. 1, Paragraph. 0009), wherein a second level of

synchronization is supported among a second subset of the plurality of network elements (Spaur,

col. 11, lines 5-15).

23.   As per claims 27,60 Obradovich -Spaur disclosed further comprising self-assembling the

plurality of network elements, wherein search and acquisition modes of the plurality of network

elements search for participating ones of the plurality of network elements, wherein a

determination is made whether each of the participating ones of the plurality of network elements

are permitted to join the vehicle (Spaur, col. 12, lines 1-17): internet work using a message

hierarchy, wherein the plurality of network elements are surveyed at random intervals for new

nodes and missing nodes (Spaur, col. 7, liens 14-23).

24.   As per claim 28 Obradovich -Spaur disclosed wherein service discovery comprises

synchronizing at least one node, authenticating the at least one node, determining at least one

communication mode for the at least one node, informing the at least one node of resources

available among the plurality of network elements (Obradovich, Page. 1, Paragraph. 0009).

25.   As per claim 29 Obradovich -Spaur disclosed further comprising collecting data among

the plurality of network elements, wherein at least one operation is performed on the data in

response to parameters established by a user, the at least one operation being at least one of

classification, routing, processing, storing, and fusing (Obradovich, Page. 6, Paragraph. 0071).

26.   As per claim 30 Obradovich -Spaur disclosed wherein routing comprises selecting at least

one data type for routing, determining at least one communication type and at least one

communication coupling for routing, selecting at least one of the plurality of network elements to

which to route the selected data, selecting at least one route to the selected at least one of the

plurality of network elements (Obradovich, Page. 6, Paragraph. 0071) and routing the selected at

least one data type to the selected at least one of the plurality of network elements (Spaur, col.

14, lines 35-38).

27.   As per claim 31 Obradovich -Spau disclosed wherein processing comprises selecting at

least one data type for processing, selecting at least one processing type, selecting at least one of

the plurality of network elements to perform the selected at least one processing type, and

transferring the selected at least one data type to the selected at least one of the plurality of

network elements using at least one route (Obradovich, Page. 6, Paragraph. 0066).

28.   As per claims 32,40 Obradovich -Spaur disclosed wherein storing comprises selecting at

least one data type for storage, selecting at least one storage type, selecting at least one of the

plurality of network elements to perform the selected at least one storage type, and transferring

the selected at least one data type to the selected at least one of the plurality of network elements

using at least one route through the plurality of network elements (Obradovich, Page. 9,

Paragraph. 0097).

29.   As per claim 33 Obradovich -Spaur disclosed wherein fusing comprises a first node

transmitting at least one query request to at least one other node, wherein the first node collects

data from the at least one other node in response to the at least one query request, and processes

the collected data (Obradovich, Page. 1, Paragraph. 0009).

30.   As per claim 34 Obradovich -Spaur disclosed wherein the plurality of network elements

comprise a plurality of application programming interfaces (APIs), wherein the APIs include

APIs for application support, database services, routing, security, network management, and

deployment (Obradovich, Page. 6 Paragraph. 0066).

31.   As per claim 35 Obradovich -Spaur disclosed wherein the plurality of APIs are layered,

wherein the plurality of APIs enable distributed resource management by providing network

resource information among the plurality of network elements, wherein information transfer

among the plurality of network elements is controlled using a synchronism hierarchy established

in response to the network resource information (Obradovich, Page. 6, Paragraph. 0071).

32.   As per claim 36 Obradovich -Spaur disclosed further comprising supporting at least one

of wireless communications, wired communications, and hybrid wired and wireless

communications (Obradovich, Page. 1, Paragraph. 0009).

33.   As per claim 37 Obradovich -Spaur disclosed further comprising coupling the at least one

vehicle internet work to at least one remote computer through the plurality of network elements,

wherein the plurality of network elements further includes at least one of at least one station

gateway, at least one server, at least one repeater, at least one interrogator, and at least one

network, wherein the at least one network includes wired networks, wireless networks, and

hybrid wired and wireless networks (Obradovich, Page. 1, Paragraph. 0009).

34.   As per claim 61 Obradovich -Spaur disclosed wherein the at least one gateway node

provides protocol translation in bridging a first vehicle bus and a second vehicle bus

(Obradovich, Page. 5, Paragraph. 0060).

35.   As per claim 62 Obradovich -Spaur disclosed wherein the at least one gateway node

functions as an Internet Protocol (IP) router, and wherein the RTIP comprises a high-speed bus

controlled by at least one device coupled to the first vehicle bus (Obradovich, Page. 2,

Paragraph. 0025).

36.   As per claim 63 Obradovich -Spaur disclosed wherein at least one gateway node includes

a wireless access port for local area networking (Obradovich, Page. 1, Paragraph. 0009).

37.   As per claim 64 Obradovich -Spaur disclosed wherein the RTIP couple the application

processor to a vehicle bus and to an external network (Obradovich, Page. 1, Paragraph. 0009).

Response to Arguments

38.   Applicant's arguments filed 02/25/2008 have been fully considered but they are not

persuasive. Responses to applicant's arguments are as follows.

A.   Applicant argued Obradovich did not dislosce, "Any distinction real time operations on a

first processor and high-level processing on a second processor".

As to applicant's argument, Obradovich disclosed, "Processor causes communication subsystem

109 to establish a communication connection with access server. Processor then causes the car

browser, which is assigned an Internet Protocol address in a conventional manner, to request

directory information from a server identifiable by a predetermined uniform resource locator

(URL) (Page. 7, Paragraph. 0079).

B.   Applicant argued that it is not clear how the remote centre operation relates to the

gateway node in the vehicle.

As to applicant's argument one ordinary skill in the art at the time of the invention knows that

gateway node functionality to transfer the information or route them that relate to remote service

center to that works under the same umbrella.

C.   Applicant argued that prior art did not disclose wherein the gateway node comprises at

least one real-time interface processor (RTIP) and at least one application processor, the RTIP

performing real-time operations and the application processor performing high-level processing

functions.

As to applicant's argument Obradovich disclosed, "In any event processor 103 polls each

subsystem from time to time for the dynamic data and based on the dynamic data, it may issue

warnings, and messages describing irregularities through her user interface described below.

Some irregularities may cause processor to restrict certain vehicle operations until corrective

action therefor is taken. As described below, processor causes selected ones of the dynamic data

to be transmitted via C-mail to one or more remote servers for analyses and records.

D.   Applicant argued that prior art did not disclose, "remotely manipulating at least one

function of the vehicle elements and controlling remote access to the vehicle Internet work using

the gateway node in response to intermittent external communications".

As to applicants argument Spaur disclosed "the controller includes a processor for performing

processing operations including running of executable running program code, including in the

context of utilizing or incorporating data that the controller has access to, including in the

context of utilizing or incorporating data that the controller 30 has access to. Preferably, the

processor 90 is a single microprocessor that performs multiple tasks, in conjunction with a real

time operating system (RTOS) 94. That is, the RTOS 94 manages a number of services associated with conducting one or more applications oriented tasks. Preferably, the RTOS 94 includes a kernel that is involved in performing real time multi-tasking including: task management, inter task communication, memory management, message management, timing, I/O management and error management. In the context of applications associated with the vehicle, the RTOS 94 works with applications software in a multi-task scheme to respond to requests for vehicle related information including data (col. 8, lines 7-23). One ordinary skill in the art at the time of the invention interpreted the application associated with the vehicle, the RTOS 94 works with applications software in a multi-task scheme to respond to requests to vehicle related information including data interpreted as remotely manipulating at least one function of the vehicle elements and controlling remote access to the vehicle Internet work using the gateway node in response to intermittent external communications where every vehicle is considered remote object and RTOS provide the application processing in the real time.

Conclusion

39.   THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

40.   Any inquiry concerning this communication or earlier communication from the examiner

should be directed to Adnan Mirza whose telephone number is (571)-272-3885.

41.   The examiner can normally be reached on Monday to Friday during normal business

hours. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jason Cardone can be reached on (571)-272-3933. The fax for this group is (703)-

746-7239. The fax phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

42.   Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for un published

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at (866)-217-9197 (toll-free).

/A. M. M./

Examiner, Art Unit 2145

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2145